

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHN DOE

PLAINTIFF

v.

CIVIL ACTION NO.: 3:24-cv-547-HTW-LGI

JANE ROE

DEFENDANT

**DEFENDANT’S URGENT AND NECESSITOUS MOTION FOR EMERGENCY
SEALING OR REDACTIONS AND FOR SANCTIONS**

Defendant Jane Roe, by and through counsel, pursuant to the Federal Rules of Civil Procedure, Local Rule 7(b)(8), respectfully files this Urgent and Necessitous Motion for Emergency Sealing of the Amended Complaint (Dkt. No. 17) filed yesterday, or in the alternative, a Court Order that Defendant’s name be redacted throughout the Amended Complaint. Defendant also seeks sanctions against Plaintiff, and his counsel, for their intentional and unlawful disclosure of a rape victim’s identity, without her consent. In support thereof, Defendant would show as follows:

1. On September 13, 2024, Plaintiff filed a preemptive abusive declaratory judgment action against Defendant. Dkt. No. 1. Mr. Doe also filed a motion pursuant to Fed. R. Civ. P. 5.2 (“Rule 5.2”), L.U. Civ. R. 5.2, and L.U. Civ. R. 79, seeking leave to file his complaint under a pseudonym, proceed in this action pseudonymously, and to file under seal or with redaction materials that would reveal the parties’ identities (the “Pseudonym Motion”). Dkt. Nos. 4-5.

2. On October 1, 2024, Ms. Roe submitted her opposition to the Pseudonym Motion. Dkt. No. 11 (“Opposition”).

3. Last evening, October 8, 2024, Mr. Doe filed his reply. Dkt. No. 16. Moments later, he filed an Amended Complaint in which he removed pseudonymous names for the parties and used his name and Defendant’s name. Dkt. No. 17. Mr. Doe claims that he did this in response

to Ms. Roe's action commenced in California on October 3, 2024, *Roe v. Brooks*, No. 24 Civ. 25693 (Cal. Sup. Ct. October 3, 2024).

4. Plaintiff commenced this action improperly, for the purpose of thwarting Ms. Roe's efforts to assert causes of action against him in California under California law for sexual violence, including *inter alia* sexual assault and rape. No basis exists under the Declaratory Judgment Act for Mr. Doe to assert claims, yet he filed his frivolous complaint to threaten Ms. Roe in connection with her California filing, and to otherwise cause her additional emotional distress and harm, beyond what she had already suffered.

5. Defendant provided Plaintiff notice in her Opposition that she would commence the California action before October 4, 2024. In response, Plaintiff did nothing. Further, Plaintiff's counsel failed to take any action in response to the notice provided on October 1, 2024.

6. Thereafter, without giving Defendant or this Court notice, Plaintiff unlawfully filed an Amended Complaint divulging Defendant's identity to the public, and directly contradicting his own Pseudonym Motion that was still pending.

7. Each hour and day that the Amended Complaint remains on the docket without redacting Defendant's identity or placing it under seal, is causing Defendant severe emotional distress and harm.

8. Counsel for Defendant sent an email and left a message with counsel for Mr. Doe regarding the relief requested and has not yet heard back.

9. The following documents are relied upon in support of this Motion:

- Attachment A – Letter from Defendant's counsel to the Court regarding the urgent necessity of immediate action to prevent further disclosure of Defendant's name.
- Attachment B –Redacted Amended Complaint.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the Court enter an order:

1. Immediately sealing Plaintiff's Amended Complaint (Dkt. No. 17); or in the alternative, redacting Defendant's name throughout the Amended Complaint (see Attachment B); and
2. Imposing sanctions on Plaintiff and his counsel for unlawfully and intentionally disclosing the identity of a rape victim without her consent.

THIS, the 9th day of October, 2024.

Respectfully Submitted,

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Counsel for Defendant

CERTIFICATE OF SERVICE

I, DOUGLAS H. WIGDOR, attorney for Defendant, do hereby certify that I have this day filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing or mailed, via United States Mail, postage prepaid, to all counsel of record.

THIS, the 9th day of October, 2024.

/s/ Douglas H. Wigdor

Douglas H. Wigdor